

**OAKLAND EMA
COLLABORATIVE COMMUNITY PLANNING COUNCIL
CONFLICT OF INTEREST**

The purpose of the Planning Council's Conflict of Interest Policy is to prevent an actual conflict or perceived conflict in the direct selection and/or administration of the Oakland EMA Ryan White Title I or II CARE funding. This policy is intended to prevent a Council member or Council members from financially benefiting as a result of a conflict or undue influence. A conflicted member shall not participate (directly or in an advisory capacity) in the process of selecting entities to receive funding through Title I and II of the Ryan White CARE Act monies nor in the administration of any grant or contract supported with such funds. Notwithstanding this limitation, the Council's role is to set funding priorities and shall determine how best to meet each priority it establishes.

Whenever Council members or alternates are communicating in any public setting on any HIV/AIDS-related issue, they will clearly indicate whether they are advocating an official position of the Council or are speaking strictly for themselves or some other entity. An official position of the Council is one that has received a majority vote of Council members and is duly adopted.

To avoid a potential conflict or perceived conflict of interest, the Planning Council may not be chaired by an employee of the grantee.

Section 1: Definitions

- A conflict of interest as defined here is an actual or perceived interest by a Planning Council member which results in, or has the appearance of resulting in, personal, organizational, or professional gain.
- An entity is defined here as a public or private non-profit, 501(c)(3) organization, agency, corporation or business.

Section 2: Members with a Conflict

A Planning Council member shall be deemed to have a conflict of interest when the member and/or the member's spouse, domestic partner, and/or an individual who is in the member's household (i.e. contributing to or benefiting from the financial support of the member's household) has currently, or has had within the past six months, one or more of the following relationships with an entity receiving Ryan White Title I or II funding:

- the member has a financial interest in an entity; or
- the member is an employee, member of he governing body, or in a position which has a direct financial responsibility for a public or private organization receiving Title I or II of the Ryan White CARE funds.

Section 3: Disclosure

Upon appointment to the Planning Council, members are required to complete and sign a Statement of Interest Form 700 and an Organizational Affiliation Disclosure Form indicating their willingness to disassociate from any actual or perceived conflict during Council deliberations and agreeing to act only on behalf of the broadly affected HIV community in its totality. Each year thereafter, Planning Council members shall complete and sign an updated Statement of Interest Form 700 and an Organizational Affiliation Disclosure Form.

Approved July 7, 2004

Section 4: Voting and Participation

An individual may serve on the Council only if the individual agrees that, in the event of a conflict of interest, the individual shall abstain from voting on issues that directly relate or appear to relate to the selection of an entity with which that individual has a conflict of interest which is being considered for funding under Title I or II of the Ryan White CARE Act.

Planning Council members shall not vote for funding amounts for a category of service when at the time of the vote, their entity is funded by Ryan White Title I or II to provide services from that category. Conflict of interest does not refer to persons living with HIV disease and their family members whose only relationship to a Title I or II service provider is as a client receiving services and/or as a volunteer with no fiduciary authority or responsibility for the service organization.

Section 5: Review

When a conflict of interest is alleged, the Planning Council chair, other Planning Council members, or the member who is alleged to have a conflict of interest may request a review of the alleged conflict of interest and call for a vote of the Planning Council to determine whether the member will have voting privileges for the issue in question.

Section 6: Failure to Comply

The Executive Committee of the Planning Council must recommend termination of membership if a Council member:

- refuses or fails to complete or update the Statement of Interest Form 700 or the Organizational Affiliation Disclosure Form,
- refuses to cooperate with the conflict of interest review, or it is determined that the member took action intended to influence the funding priority decision(s) of the Planning Council as described above.